



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

FEB 12 2015

SUBPOENA TO TESTIFY

To: Bentley C. Hugie
H&S Performance, LLC
4160 South River Road
Saint George, UT 84790

You are commanded, pursuant to sections 208(a) and 307(a) of the Clean Air Act, 42 U.S.C. §§ 7542(a) and 7607(a):

- to appear in person on Monday March 9, 2015, at 9:00am at the Wallace F. Bennett Federal Building, GSA Conference Room, Suite 5102, located at 125 S. State St, Salt Lake City, UT 84138;
- to testify then and there under oath;
- to provide truthful and complete responses to all lawful questions posed by the United States Environmental Protection Agency (EPA) representatives; and
- to remain in attendance until expressly excused by an EPA representative.

In response to any contumacy or refusal to obey this subpoena, the EPA, or the United States Department of Justice on behalf of the EPA, may seek an order from a United States District Court requiring you to comply with this subpoena, and any failure to obey such an order may be punished by the issuing court as contempt thereof. 42 U.S.C. § 7607(a).


You or your representative may assert a business confidentiality claim for some or all of the information you provide if public disclosure of that information would divulge methods or processes entitled to protection as trade secrets. 42 U.S.C. §§ 7542(a), 7607(a). Business confidentiality refers to "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." 40 C.F.R. § 2.201(e).

The EPA will disclose information covered by a claim of business confidentiality only to the extent and by the means set forth in sections 208(a) and 307(a) of the Clean Air Act, 42 U.S.C. §§ 7542(a) and 7607(a), and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to

furnish a business confidentiality claim with your testimony as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please contact Kathryn Caballero, the EPA attorney assigned to this matter, or have your counsel contact her with any questions and to confirm your attendance. Ms. Caballero can be reached at (202) 564-1849, and caballero.kathryn@epa.gov.

2/12/2015
Date

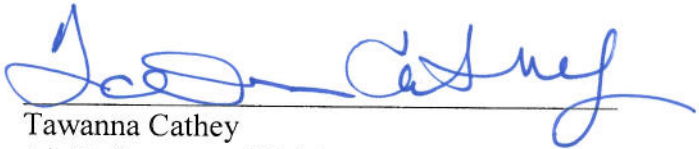

Phillip K. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

CERTIFICATE OF MAILING

I, Tawanna Cathey, certify that I sent a Subpoena pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Bentley C. Hugie
c/o Barry Clarkson
Clarkson Draper & Beckstrom, LLC
162 North 400 East, Suite A-204
St. George, Utah 84771

2/23/2015
Date


Tawanna Cathey
Air Enforcement Division
Office of Civil Enforcement

Certified Mail Receipt Number: 70100290000336195576